



Program Letter 02-1

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TO: All LSC Program Directors

FROM: Randi Youells, Vice President for Programs

DATE: January 8, 2002

RE: Self-Inspection of 2001 CSR Data

The purpose of this Program Letter is to inform all grantees that we will again be requiring them to conduct a Self-Inspection of a sample of closed cases prior to submitting 2001 Case Service Reporting (CSR) data to the Legal Services Corporation (LSC). The Self-Inspection must be completed and the enclosed Certification and Summary Forms signed and returned to LSC no later than March 1, 2002.

Introduction

LSC is committed to providing the United States Congress and the public with the most accurate information possible. Closed case statistics are a major constituent of the data on program activities collected by LSC and a critical measure of the impact of federal funding on the legal problems of people living in poverty. Therefore, it is essential to assure the accuracy of the 2001 CSR data.

This Self-Inspection will be very similar to the ones conducted the last two years. Indeed, we have made a conscious effort to minimize changes so the process will be familiar and the procedures LSC programs used previously can again be used this year with the least possible expenditure of time and effort.

Programs should note that the changes in §§4.3 and 5.2 of the 2001 CSR Handbook announced in Program Letter 01-5 do not take effect until 2002. These changes eliminate the exception to financial eligibility documentation requirements for cases funded by Title III and IV of the Older Americans Act, Title XX of the Social Security Act and the Violence Against Women Act in 2002. Thus you may report any such cases closed in 2001, just as you did last

year for such cases closed in 2000. The change will affect any cases closed in 2002 and will affect the CSR report submitted in March 2003.

Standards for Accuracy

Standards for accurate reporting of CSR data are contained in the 2001 CSR Handbook §§3.2, 3.3, and 5.2 of the Handbook contain specific guidance on single recording of cases, timely closing of cases, and documenting client eligibility. Section VI of the Handbook contains guidance on the reporting of different levels of case services, and Section VII contains guidance on the reporting of referrals.

The Self-Inspection Process

The purpose of the Self-Inspection process is to give programs a means to verify, by reviewing a sample of cases, that their 2001 CSR data meets LSC standards for accuracy. The enclosed Case Review Form contains a list of questions which identify key requirements that need to be met in order to report a case to LSC. If the answers to the questions in the Case Review Form are generally “Yes”, then the sampled cases generally meet the requirements for reporting cases to LSC, and no further inquiry is necessary, unless program staff have reason to believe that the sample selected was not representative of the total number of cases to be reported to LSC or, for other reasons, problems outside the sample would affect the accuracy of the 2001 CSR data.

If there are “No” answers to applicable questions in 10 percent or more of the cases sampled in the Self-Inspection process, then the sample of cases tends to indicate that there are overall problems which may affect the accuracy of the 2001 CSR data. In the event that the Self-Inspection process does reveal such problems, then consultation with LSC is appropriate to determine whether to initiate corrective action to find and correct problems in cases not included in the Self-Inspection sample. ***Under no circumstances should action be taken to correct problems in sampled cases without action to correct similar problems in cases not included in the sample. If such corrections are made in the sample without correcting all similar cases, such action would make the sample unrepresentative of the larger set of cases, thereby defeating the purpose of the sample and making the Self-Inspection results suspect.***

Sample Selection

To reach a level of absolute confidence that every 2001 closed case is accurately reported to LSC, program staff would need to review each individual case. For most programs, such a review would be impractical. Therefore, the Self-Inspection process relies on the selection of a sample of cases from which programs can draw some inferences about the overall number of cases reported to LSC. In order for the inferences to be reliable, however, the sample must be reasonably representative of the total number of cases reported to LSC. If the sample is not representative, its unrepresentative character would undermine the integrity of the Self-Inspection results.

The enclosed Sample Selection Procedure details a process for selecting a sample of cases for review. The Procedure requires programs reporting over 1,000 total closed cases to select a sample of approximately 150 closed cases. Programs reporting fewer than 1,000 total closed cases will need to select a sample of 75 closed cases. Each grantee should document the steps taken in the Selection Procedure, and should clearly indicate any departures from the Selection Procedure. To consult with an LSC staff member about the sampling procedure, please contact Bert Thomas at (202) 336-8938, e-mail thomasb@lsc.gov.

Review of Sampled Cases

For each case in the sample, the enclosed Case Review Form must be completed, and a “Yes” or “No” answer must be recorded for all applicable questions. Not all questions will be applicable to all cases. For example, questions 1 through 3 are not applicable to certain cases where financial eligibility determinations are not permitted by law. Upon completion, each Case Review Form must be retained for audit purposes.

Several questions in the Case Review Form require a determination whether a “notation” is present in the case file or case management system record. The following standards apply to these questions:

Questions (1) and (3) – Notation indicating no income or assets

A notation indicating that a client household has no income or assets may be the number zero, the word ‘none’ or a similar descriptive term to that effect, or a checkmark or a line drawn through the applicable section of an intake sheet.

Question (3) - Receipt of government benefits

A notation indicating that a client receives government benefits which required testing for assets may be the name of the government agency, or a brief description of the type of benefits received.

Question (4) – Citizenship or alien eligibility – telephone cases

A notation indicating that a client in a telephone case is a citizen or an eligible alien may be the word “Yes”, the letter “Y”, or a checkmark or other written indication in the appropriate section of an intake sheet.

Question (5) – Attestation of citizenship

The attestation may consist of a signature on an intake sheet, retainer agreement or other document containing language stating that the client is a United States citizen.

Use of Case Management System Queries

LSC encourages programs to use their case management systems to augment the Self-Inspection process. Case management system queries and reports can easily provide useful information about all 2001 closed cases, not just a sample of cases. For example, a case management system query could readily identify 2001 cases which lack either income or assets information. For assistance with case management system queries, contact your vendor or LSC staff member Glenn Rawdon at (202) 336-8868, e-mail grawdon@lsc.gov.

Whether to Initiate Corrective Action

If there are “No” answers to one or more of the applicable questions in 10 percent or more of the cases sampled (look to the Certification Forms, not the Summary Forms to calculate the 10% figure), or if the use of case management system queries reveals problems in a larger number of cases, then program staff will need to make a determination whether to initiate corrective action to remedy the problems identified. ***Under no circumstances should corrective action be undertaken to address problems in sampled cases without implementation of action to correct similar problems in cases not included in the sample.***

For some problems, such as untimely closing of cases or duplicate reporting of cases in a particular branch office or unit, the expenditure of effort needed to identify the total number of affected cases may be justified. Case management system queries and reports could provide an easy means of detecting such cases. In the interest of achieving accurate reporting of 2001 closed cases, further effort to correct problems might also be justified, provided doing so would not have a disproportionate impact on client services. While the decision to undertake corrective action rests with the program, LSC strongly encourages consultation before initiation of any corrective action. To consult with LSC as to whether corrective action is advisable or for other Self-Inspection questions (except sampling or case management queries), please contact John Meyer at 202-336-8909, e-mail meyerj@lsc.gov

Certification Process

All programs must submit the enclosed Self-Inspection Certification and Summary Forms *to LSC by March 1, 2002, regardless of the results of the Self-Inspection. The Certification Form requires submission of information about the number of cases found to have one or more problems in the Self-Inspection, as well as information about whether action was taken before, during, or after the Self-Inspection either to remedy problems found or not to report some cases at all. It also includes a report on the number of cases excluded (removed) from the CSR report submitted to LSC as a result of corrective action taken **after** the Self-Inspection. The purpose of collecting this information is to enable LSC to determine the accuracy of CSR submissions and the frequency with which programs are unable to report cases because they do not meet LSC reporting requirements. **Please be sure to enter all requested information before submitting the Certification Form.**

The Self-Inspection Summary Form collects information about the types and frequency of exceptions noted during the Self-Inspection process. The eleven categories listed in the Summary Form correspond with the eleven questions in the Case Review Form. The “Numbers of Cases” column in the Summary Form should accurately reflect the numbers of sampled cases for which exceptions were noted (by “No” answers) in the completion of the Case Review Forms for cases sampled. The collection of this information will enable LSC and program staff to identify those areas where LSC reporting requirements have been difficult to meet, as well as to indicate where programs should focus their efforts to achieve further improvements in the accuracy of their case reporting.

The Summary Form also collects information as to whether programs undertook any corrective action, as a result of the Self-Inspection process, which resulted in adjustments to the 2001 CSR data submitted to LSC. If corrective action is undertaken, it must apply to all affected cases, not just to cases in the Self-Inspection sample. Programs undertaking corrective action which resulted in adjustments to the 2001 CSR data submitted to LSC should note the categories in which they have taken corrective action in the Self-Inspection Summary Form. This information will enable LSC to determine the extent to which programs have been able to correct problems identified during the Self-Inspection process.

Enclosures: (1) Self-Inspection Certification
(2) Self-Inspection Summary Form
(3) Self-Inspection Case Review Form
(4) Self-Inspection Sample Selection Procedure
(5) Self-Inspection Unreported Non-LSC Case Form

Self-Inspection Certification

Recipient Name: _____ Recipient Number: _____

CERTIFICATION

We certify that Recipient has completed the *Self Inspection Procedure* as required by Program Letter 02-1. Pursuant to the instructions in the Program Letter, a representative sample of _____ cases out of the total number of closed cases being reported to LSC has been reviewed, and one or more exceptions were noted in _____ of the cases in the sample. The attached Self Inspection Summary Form accurately reports, by category, the actual numbers of exceptions noted during the Self Inspection.

We further certify that:

- 1) Some cases were excluded from the 2001 CSR data submitted to LSC as a result of a case review done *prior to* the Self-Inspection. Yes _____ No _____
- 2) Some cases were excluded from the 2001 CSR data submitted to LSC as a result of a case review done *after* the Self-Inspection. Yes _____ No _____ If yes, enter number of cases so excluded from report to LSC _____.
- 3) If cases were excluded as a result of a case review done *prior to* the Self Inspection, they were excluded because (check all that apply):
 - ☐ Income eligibility was not documented
 - ☐ Assets eligibility was not documented
 - ☐ Citizenship/alien eligibility was not documented
 - ☐ Evidence of actual legal assistance rendered to the client was not in the file
 - ☐ Case closure was not timely
 - ☐ Other (Specify) _____

If corrective action was taken *after* the Self Inspection to exclude cases from the 2000 CSR data reported to LSC, the attached Self Inspection Summary Form indicates in what categories such corrective action was taken.

Name of Executive Director

Name of Governing/Policy Board Chair

Signature

Signature

Date

Date

Self-Inspection Summary Form

Recipient Name: _____ **Recipient Number:** _____

The numeric entries in the “Numbers of Cases” column of this form represent the numbers of cases in which exceptions were noted (by “No” answers) in individual Case Review forms completed in the Self Inspection process required by Program Letter 01-2. The “Yes” or “No” entries in the “Corrective Action” column indicate whether the recipient has (or has not) undertaken corrective action, not just in cases sampled in the Self Inspection but also in affected cases outside the sample, which resulted in adjustments to the 2001 CSR data submitted to LSC.

Question	Type of Case	Numbers of Cases	Corrective Action
N/A	VAWA and Title III, IV and XX elderly cases in sample not permitting financial eligibility determinations		N/A
<i>(Questions 1 through 3 do not apply to VAWA, Title III, IV and XX cases.)</i>			
(1)	Cases other than VAWA, Title III, IV and XX in which income information was not recorded		
(2)	Cases in which household income exceeded 187.5% of the poverty guidelines		
(3)	Cases in which assets information was not recorded		
<i>(Questions 4 through 11 apply to all cases.)</i>			
(4)	Telephone cases in which citizenship/alien status was not noted		
(5)	Non-telephone cases which lacked a citizenship attestation or documentation of alien eligibility		
(6)	Cases in which the casehandler was not an attorney or a person acting in the capacity of a paralegal		
(7)	Cases in which there is no written evidence of advice or representation		
(8)	Counsel & advice or brief service cases opened prior to 10/01/00 in which assistance was not completed prior to 2001.		
(9)	Extended service cases in which assistance was completed and case closure occurred prior to 2001		
(10)	Cases in which the client is not identified by name		
(11)	Cases reported more than once in 2001 with the same problem code and set of facts		

Self-Inspection Case Review Form

The purpose of this form is to guide program staff reviewing sampled cases during the required Self Inspection of 2001 Case Service Report (CSR) data. Not all questions in this form are applicable to all cases. Answer only those questions which are applicable. The questions in this form may be answered from information contained either in a case file or in a case management system record.

Case Number: _____

Office: _____

Acceptance Date: _____

Closure Date: _____

Reviewer Name: _____

Date Reviewed: _____

Financial Eligibility Documentation – Income and Assets <i>Questions 1 through 3 are not applicable to cases in which financial eligibility determinations are not permitted by conditions attaching to funding from the following sources: the Violence Against Women Act, Title III or Title IV of the Older Americans Act, and Title XX of the Social Security Act. For such cases, check the box to the right, and skip to Question 4. For all other cases, answer Questions 1 through 3.</i>		<input type="checkbox"/> VAWA, Title III, IV or XX elderly case
(1)	Is there a specific amount of income recorded or a notation that the applicant's household has no income?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)	Is the recorded amount of household income less than or equal to 187.5% of the poverty guidelines in effect at the time the case was accepted? (may be answered "yes" if client's income is over 187.55, but client is eligible based on medical expenses approved by the Director under 45 CFR 1611.5(b)(1)(b)).	<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)	Is there: (a) a specific amount of assets recorded, or (b) a notation that the applicant's household has no assets, or (c) a notation that the client is a recipient of benefits from a government program which tests for assets?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Citizenship/Alienage Documentation (<i>Answer Question 4 or 5, but not both</i>)	
(4) If the case involves brief advice and consultation by telephone only, and does not involve continuous representation as provided by 45 CFR Sections 1626.6(a) and 1626.7(a), is there a notation that the client is either a citizen or an eligible alien?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(5) If the case involves in-person contact with the client, or an exchange of correspondence in the course of continuous representation of the client, is there either: (a) a signed citizenship attestation, or (b) documentation of alien eligibility as required by 45 CFR Sections 1626.6(a) and 1626.7(a)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Self-Inspection Case Review Form – Page 2	
Status of Casehandler	
(6) Is the casehandler either: (a) an attorney authorized to practice law in the jurisdiction where the assistance was rendered or (b) a person acting in the capacity of a paralegal under the direct supervision of an attorney in accordance with local rules of practice?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Level of Assistance Provided	
(7) In addition to a case closure category, is there written evidence demonstrating that the client received actual legal advice or representation within the definitions of the 1999 CSR Handbook?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Timeliness of Case Closing (<i>Answer either Question 8 or 9, but not both</i>)	
(8) If the case involved only Counsel & Advice, Brief Service, or a Referral After Legal Assessment, (CSR Categories A, B, or C), was the case opened after September 30, 1999?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(9) If the case was closed in a category <i>other than</i> Counsel & Advice, Brief Service, or Referral After Legal Assessment (CSR Categories D, E, F, G, H, I, J or K), was advice or representation provided to the client during 2000, or was there a case closing review during 2000 which included preparation of a closing memorandum or a closing letter to the client?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Duplicate Cases	
(10) Does the case file or case management system record identify the client by name?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>(Answer Question 11 only if more than one case for the same client)</i>	
(11) During 2000, if the same client received assistance in one or more other cases (including PAI cases), are the other case(s) either: (a) assigned different legal problem codes or (b) distinguishable as involving different sets of facts?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Self Inspection Sample Selection Procedure

Step (1) – Generate a list of closed 2001 cases for each recipient and subrecipient office.

The lists of closed 2001 cases should include only those cases which are reportable to LSC according to the CSR Handbook. Private attorney involvement cases may be listed separately, or included in a list for a specific office. Each list should include a case number and other information necessary to locate sampled cases. Ideally, the lists should be ordered randomly, but they may be ordered by case number or date opened.

Step (2) – Determine the total number of closed 2001 cases for each office.

The number of closed 2001 cases for each office should be the number of cases listed for each office in Step (1).

Example:	Office 1	1,500 closed cases
	Office 2	500 closed cases
	Office 3	250 closed cases

Step (3) – Calculate the total number of closed 2001 cases for all offices combined.

The number calculated in this step is the sum of the numbers for each office in Step (2). It should reflect the total number of cases which would be reported to LSC as 2001 closed cases, including private attorney involvement cases.

Example:	Office 1	1,500 closed cases
	Office 2	500 closed cases
	Office 3	250 closed cases
	Total	2,250 closed cases

Step (4) – Divide the number of cases for each office by the total number of cases in (3)

The numbers calculated in this step are fractions of the total number of cases for all offices combined. For programs with one office, the result in this step is the number 1.

Example:	Office 1	1,500 divided by 2,250 equals .667
	Office 2	500 divided by 2,250 equals .222
	Office 3	250 divided by 2,250 equals .111

Step (5) – For each office, multiply the results in step (4) times the number 150 (when the program is reporting 1,000 or more closed cases) or the number 75 (when the program is reporting less than 1,000 closed cases).

This step calculates the number of cases to sample in each office. The number 150 is the targeted total number of cases to sample for a program reporting over 1,000 closed cases.

Example:	Office 1	.667 times 150 equals 100.05
	Office 2	.222 times 150 equals 33.3
	Office 3	.111 times 150 equals 16.65

Step (6) – For each result in step (5), round up to the next largest whole number

This step rounds the numbers of cases in step (5) to whole numbers. The results in this step are the numbers of cases which should be sampled in each office.

Example:	Office 1	100.05 rounded up is 101
	Office 2	33.3 rounded up is 34
	Office 3	16.65 rounded up is 17

Step (7) – For any number which is less than 15 in step (6), increase the number to 15.

This step checks to see if, for any office, the number of cases to be sampled is less than 15. The number 15 is the minimum number of cases to sample in any one office.

Example:	Office 1	101 remains the same
	Office 2	34 remains the same
	Office 3	17 remains the same

(In this example, no result in step (6) is less than 15.)

Step (8) – For each office, divide the result in (3) by the corresponding result in (7).

Given the number of cases to be sampled in each office, this step calculates the increment between each case for the purposes of selecting cases for the sample..

Example:	Office 1	1,500 divided by 101 is 14.85
	Office 2	500 divided by 34 is 14.70
	Office 3	250 divided by 17 is 14.70

Step (9) – For each result in (8), eliminate decimal places to arrive at a whole number

This step truncates the results in Step (8) to arrive at whole numbers. The numbers are the increments for selecting cases from the case lists for each office. The numbers for each office should be the same, unless the sample size for an office was increased to 15 in step (7). If the numbers are not the same, and no number was increased to 15 in step (7), then there has been a miscalculation in one of the preceding steps.

Example:	Office 1	14.85 truncated is 14
	Office 2	14.70 truncated is 14
	Office 3	14.70 truncated is 14

In this example, the number 14 is the increment for selecting individual cases from the lists of cases for each office. Thus, every 14th case would be selected from the lists.

Self-Inspection Unreported Non-LSC Case Form

1) Please report below how many cases were closed with non-LSC funds in 2001 that were not reported to LSC. If none, please report 0 or none. Such cases may be cases for clients who are not financially eligible under LSC guidelines but are eligible under a non-LSC program; they may be cases such as Kennedy Amendment cases that are for clients who are LSC-ineligible but are eligible for legal assistance supported with non-LSC funds or they may be cases where eligibility documentation was insufficient to support LSC eligibility but sufficient to support eligibility for assistance with non-LSC funds.

Please enter number of non-LSC funded cases not reported to LSC here _____

2) Unless the figure reported above is 0, please check one of the three alternatives below. This figure based on:

(a) an actual count _____ (b) an estimate _____

or (c) partly a count and partly an estimate _____

If (c), please break down how many were counted and how many estimated

_____ counted _____ estimated